

REMARKS

The pending Office Action addresses and rejects claims 1-7, 9-13, 15-18, 20, and 21. Claims 1-7, 9-13, and 15-18 are rejected, and claims 20-21 are withdrawn from consideration.

Applicants thank Examiner Dornbusch for extending the courtesy of a telephone interview on May 17, 2010 to Applicants' undersigned representative. During the interview, the Examiner agreed that the amendments submitted herewith to the independent claims overcome all pending rejections.

Claim Amendments

Claim 1 is amended to recite a blunt tip at a distal end of the elongate body that has a diameter less than the diameter of the elongate body. Claim 9 is amended with respect to the insertion rod element to recite that the diameter of the tip of the elongate shaft is less than the diameter of the elongate shaft. Support for these amendments can be found throughout that specification, for example, in FIG. 1. No new matter is added.

Rejections Pursuant to 35 U.S.C. §112

Claims 1-7 are rejected pursuant to 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. Specifically, the Examiner asserts that there is insufficient antecedent basis for "the flared proximal end" recited in claim 1. Claim 1 is amended to correct this error, thereby obviating the basis for this rejection.

Rejections Pursuant to 35 U.S.C. §102

Claims 1-6 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2004/0204715 of Evans et al. As noted above, the Examiner has agreed that Evans fails to teach a blunt tip at a distal end of the elongate body that has a diameter less than the diameter of the elongate body, as required by independent claim 1. Specifically, a tip at a distal end of the shaft (112) that is beyond the groove (118) formed in the shaft of the Evans device has the same diameter as the rest of the

shaft (112). Accordingly, independent claim 1, as well as claim 2-6 which depend therefrom, distinguish over Evan.

Claim Rejections under 35 U.S.C. §103

Claims 7, 9-13, and 15-18 are rejected pursuant to 35 U.S.C. §103(a) as being obvious over Evans.

Claim 7 depends from claim 1, and as explained above, the Examiner agreed that Evans fails to teach a blunt tip at a distal end of the elongate body that has a diameter less than the diameter of the elongate body, as required by independent claim 1. Accordingly, claim 7 distinguishes over Evans and represents allowable subject matter.

Similar to claim 1, claim 9 requires an insertion rod having an elongate shaft extending into a handle at a proximal end and a blunt tip at a distal end, with the diameter of the tip of the elongate shaft being less than the diameter of the elongate shaft. As explained above, the Examiner agreed that this feature is not taught by Evans. Accordingly, claim 9, and claims 12, 13, and 15-18 which depend therefrom, distinguish over Evans and represent allowable subject matter.

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Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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